Four Digital Rights for Protecting Memory Institutions Online

Purpose:

In recognition of the irreplaceable value that libraries, archives, and museums (hereinafter "memory institutions") bring to the public, this document articulates the essential activities in archival collection, preservation, and lending that need protection and support in today's digital media environment. Together, the signatories call upon policymakers and communities to ensure memory institutions retain the same rights and responsibilities online that they have enjoyed offline.

Background:

Memory institutions support communities by preserving and providing long-term access to the cultural, artistic, and scientific knowledge that make up our collective intellectual heritage. Memory institutions also help individuals seeking, obtaining, and sharing information by democratizing access and allowing everyone—no matter their income level or physical location—to educate themselves and participate in public life. Authors, researchers, journalists, and other creators depend upon digital access to library, archive, and museum collections, because these memory institutions keep resources available without regard to commercial viability. Future generations depend upon memory institutions for access to the older, difficult-to-find materials that become building blocks for new creative works and scientific understanding.

These essential public benefits are possible because memory institutions have historically had the discretion and capacity to collect, preserve, and provide controlled access to books and other essential resources. Unfortunately, many of these activities have become less certain in today's increasingly digital, networked world. On the one hand, much of the world's information remains undigitized in physical formats and thereby inaccessible to those without time and resources to travel. On the other hand, many of the materials that are published and accessed online in digital formats are locked up in commercial platforms that unduly restrict memory institutions in their public service mission. This state of affairs has left memory institutions with fewer (if any) practical ways to collect, preserve, and make materials available for future generations.

Principles:

Simply put, the rights and responsibilities that memory institutions have always enjoyed offline must also be protected online. To accomplish this goal, libraries, archives and museums must have the legal rights and practical ability to:

- **Collect materials in digital form**, whether through digitization of physical collections, or through purchase on the open market or by other legal means;

- **Preserve digital materials**, and where necessary repair, back up, or reformat them, to ensure their long-term existence and availability;
- **Provide controlled access to digital materials** for advanced research techniques and to patrons where they are—online;
- **Cooperate with other memory institutions**, by sharing or transferring digital collections, so as to aid preservation and access.

For memory institutions to realize their full potential in today's digital world, they cannot be subject to undue burdens or predatory contracts stifling their collection and preservation efforts. And these institutions must be protected from destruction by excessive financial attacks and operational restrictions.

We, the undersigned, hereby call upon policymakers worldwide to secure the essential public role of libraries, archives, and museums and to adopt these principles wherever possible into local, regional, and national laws.

History:

This document was developed from the 2022 report, "Securing Digital Rights for Libraries: Towards an Affirmative Policy Agenda for a Better Internet." It was first signed at the Aruba symposium, "Connecting our Shared Heritage: Linking (Dutch) Caribbean Heritage Institutions and Collections," in Oranjestad, 8-12 April 2024.

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